

**ADMINISTRATIVE-INTERNAL USE ONLY**

Approved For Release 2001/09/07 : CIA-RDP75B00380R000800060013-8

13 MAY 1974

MEMORANDUM FOR: Legislative Counsel

ATTENTION :

STATINTL

SUBJECT : S. 3393 and S. 3399

REFERENCE : Your Request for Comments, 7 May 1974,  
Same Subject

1. Pursuant to your request, we have reviewed the subject bills. The Metcalf bill, S. 3399, cited as the "Freedom of Information Act Security Classification Amendments of 1974", is identical to H.R. 12004, a bill introduced in the House by Representative Moorhead on 18 December 1973, and referred to the Committee on Government Operations. On 25 January 1974, we furnished your Office with our comments on this earlier House bill and on 28 February 1974 we advised you that your proposed reply from the Director of Central Intelligence to Representative Holifield satisfactorily reflected our views. Our earlier comments on the House bill would apply to S. 3399 as well; we have nothing further to add.

2. Turning to S. 3393, entitled the "Government Secrecy Control Act of 1974", we feel that this bill, if enacted, would beget a variety of problems for the entire Intelligence Community. The Office of Security offers the following specific objections to the bill:

- a. The establishment in the Congress of a Joint Committee on Government Secrecy with the authority to review the practices of all federal agencies originating or having custody of classified information would, in effect, make the Congress a full partner with the Executive Branch in the maintenance of secrecy of matters related to the national security. However, the bill provides no means to discipline members of Congress for breaches of security; it

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fails to recognize the DCI's statutory responsibility for protecting intelligence methods and sources; and, it raises the spectre of Agency officials being repeatedly called before the Joint Committee to justify a given classification.

- b. The Joint Committee would be granted the authority to inspect any document entered on the Register in the Office of National Defense and Foreign Policy Information (to be created by the bill), to render a determination as to the validity of its classification and, "when appropriate", to direct its public disclosure. Thus, agencies dealing in national security matters would find themselves in the position of either yielding totally to the judgment of the Joint Committee in the area of security classification, or engaging in costly and time consuming treks to Capitol Hill to attempt to maintain the proper degree of protection for that information deemed to require secrecy in the national interest.
- c. The Office of National Defense and Foreign Policy Information (ONDFPI) to be established in the Executive Office of the President by the bill would be tasked with maintaining a Register of National Defense and Foreign Policy Information. This Register would comprise an index, by title or description, of all classified documents created by any Government agency. It is felt that this index, in itself, would present an extraordinary espionage target representing, as it would, a compendium of sensitive activities of the United States Government. A copy of this index would be provided to the Joint Committee monthly. The bill makes no mention of whether the index itself would be classified, who would be cleared for access to it, the clearance criteria, precautions to be taken to safeguard it after delivery to the Joint Committee each month, etc. Moreover, the ONDFPI would be given the authority to review

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and promulgate regulations to standardize certain practices within the Executive Branch including security clearance procedures. This could impact seriously upon the personnel security program of the Agency.

- d. The bill further requires that the Registrar of the ONDFPI be provided with the names (or numbers) and titles of all personnel with classification authority. Such a listing would readily enable anyone with access to reconstruct the Agency's professional organization and seems unacceptable for an intelligence organization.

3. Although the bill is silent on how its provisions would actually be implemented and suggests that it is not intended to devise the machinery which will make it work (this being the task of the Executive Branch), it would obviously serve the best interests of the Agency to be able to influence the structuring of the security rules and criteria under which it would be obliged to operate. The thrust of the bill - the avoidance of classification abuse and stricter adherences to classification procedures - is a worthy goal, but it appears seriously unrealistic in addressing the particular secrecy requirements of the Intelligence Community. The position of the Office of Security is that S. 3393 would require extensive rewriting to be acceptable, and that it should be opposed in its present form.

4. Please advise if we can be of further assistance in this matter.



STATINTL

*for* Charles W. Kane  
Director of Security

cc: DD/M&S

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S. 3393

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☐ CONFIDENTIAL☐ SECRET

## ROUTING AND RECORD SHEET

Dec 74-0998

SUBJECT: (Optional)

S. 3393 and S.3399

FROM:

EXTENSION

NO.

STATINTL

 Charles W. Kane  
 Director of Security

6777

DATE

13 MAY 1974

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

Legislative Counsel

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